

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Williams Kevin Crawford,)	Case No. 4:19-cv-02119-DCC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Trinity Food Service, Officer S. Wilson,)	
J. Howard, Tory Ervin,)	
)	
Defendants.)	
_____)	

This matter is before the Court upon Plaintiff's complaint alleging violations of his civil rights pursuant to 42 U.S.C. § 1983. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Kaymani D. West for pre-trial proceedings and a Report and Recommendation ("Report"). On December 30, 2019, Defendant Trinity Food Service filed a motion for sanctions requesting dismissal of the claims against it based on Plaintiff's failure respond to discovery requests. ECF No. 46. Plaintiff filed no response.

On January 16, 2020, the Magistrate Judge issued a Report recommending that the motion for sanctions be granted and this action be dismissed with prejudice as to Defendant Trinity Food Service pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with an order of the court. ECF No. 51. The Magistrate Judge advised the Plaintiff of the procedures and requirements for filing

objections to the Report and the serious consequences if he failed to do so. He did not file objections to the Report, and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the recommendation of the Magistrate Judge. Accordingly, the motion for sanctions [46] is **GRANTED** and this action is **DISMISSED** with prejudice as to Defendant Trinity Food Service.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

April 15, 2020
Spartanburg, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.